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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/799,136	03/12/2004	Kevin Rouwhorst	ROUW 1.2	7847

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EXAMINER

HANSEN, JAMES ORVILLE

ART UNIT	PAPER NUMBER
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3637

DATE MAILED: 11/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/799,136	Applicant(s) ROUWHORST, KEVIN 35	
	Examiner James O. Hansen	Art Unit 3637	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:
The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
2. Claims 1-3 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 1, the phrase "or the like" renders the claim(s) indefinite because the claim(s) may include(s) elements not actually disclosed (those encompassed by "or the like"), thereby rendering the scope of the claim(s) unascertainable. See MPEP § 2173.05(d). In Claim 1, it is unclear as to whether the applicant is claiming the combination of a connector mechanism and cabinets. The preamble does not specifically claim cabinets, e.g. "for releasably interconnecting elevated cabinets or the like having abutting vertical sidewalls", but further down in the claim there appears to be a positive recital of structure (lines 3 & 5, "opposed connector openings in the sidewalls" & "female connector element that fits in an opening in the cabinet") alluding to a claimed combination. Applicant is required to clarify the disclosed claimed material, making the language of the claims consistent with applicant's intent. In Claim 1, line 5, the phrase "element that fits in an opening in one cabinet" is unclear and confusing since it is not clear if the "an opening" limitation is the same as one of the "opposed connector openings" as stipulated in line 3, or a new and distinct limitation in addition to the previously defined limitations. In Claim 1, line 8, the phrase "the female connector" does not have a proper antecedent basis. In Claim 1, line 9, the phrase "that fits in the opening" is viewed as having the same ambiguity as remarked in line 5 as noted above

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[another limitation or part of the previously cited openings?]. In Claim 1, line 9, the phrase "the female connector" does not have a proper antecedent basis. In Claim 1, line 10, the phrase "the male connector" does not have a proper antecedent basis. In Claim 1, lines 11-12, the phrase "the keyhole slot" does not have a proper antecedent basis. In Claim 2, lines 2-3, the phrase "the male and female connector elements each include a body having a plurality of angularly spaced tabs..." appears to be a double inclusion of the previously defined "fastening means" [if this is the case, applicant should phrase the limitation as --the fastening means of the connector elements each include a body having....-- for example]. In Claim 2, lines 4 & 5, the phrases "the opening", "the sidewall" and "the connector element" are unclear since it is not known which one of the elements is being referenced i.e., there are a plurality of these elements previously disclosed [a specific opening, or sidewall, or element?]. In Claim 3, lines 3, the phrases "the opening", "the sidewall" and "the cabinet" are unclear since it is not known which one of the elements is being referenced i.e., there are a plurality of these elements previously disclosed. In Claims 2-3, the phrase "A connector..." should be changed to --The connector....-- since the phrase as currently worded may be construed as a separate limitation.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Glickman [U.S. Patent No. 4,353,663]. The examiner has taken the position that structural

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elements of furniture are positively being claimed. Glickman (figures 1-7) teaches of a connector mechanism capable of releasably interconnecting elevated pieces of furniture having abutting vertical sidewalls, comprising: opposed connector openings (17, 18) in sidewalls (1, 2), the openings comprising recesses in the sidewalls; a female connector element (3) that fits in one of the openings in one of the sidewalls, the female connector element having an outer surface with a keyhole opening (31 – see figures) therein, the keyhole opening having an enlarged opening (right side as depicted in fig. 3) at one end connected to a narrower slot (left side as depicted in fig. 3) at an opposite end; fastener means (5) for releasably fastening the female connector element in one of the openings; a male connector element (4) that fits in the other opening opposite the female connector element, the male connector element having a projection (13) extending outwardly therefrom, the projection comprising an enlarged head on a narrower shaft (16), the head being smaller than the enlarged opening of the keyhole slot but larger than the slot (fig. 3), the shaft being smaller than the slot (fig. 3); and a fastening means (14) for releasably mounting the male connector element in the other opening.

Allowable Subject Matter

5. Pending further consideration and an updated search, Claims 2-3 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

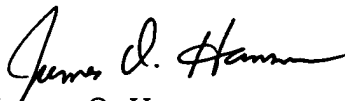
Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Ruddy, Connelly, Stamper, Speraw, Braddord et al., Hake, British publication 183,630, DeNatale, McMurtrie, and Busse describe connector mechanism assemblies.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James O. Hansen whose telephone number is 703-305-7414. The examiner can normally be reached on Mon.-Fri. 8-4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on 703-308-2486. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


James O. Hansen
Primary Examiner
Art Unit 3637

JOH
October 28, 2004